

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICKY COCHRAN, et al.,
Plaintiffs,
v.
ACCELLION, INC., et al.,
Defendants.

Case No. [5:21-cv-01887-EJD](#)

**ORDER DENYING MOTION TO
TRANSFER; DENYING MOTION TO
SEPARATE CASE**


Re: Dkt. Nos. 38, 53

On July 12, 2021, James Martin moved in this Court to transfer a case that he filed in the Southern District of Indiana to the Northern District of California. Dkt. No. 38. This transfer request is filed in the wrong court. 28 U.S.C. § 1404(b) requires that the motion to transfer be filed with the court where the plaintiff's action is filed, *i.e.*, the proposed transferor court. *See Mechoshade Sys., Inc. v. Draper, Inc.*, 2011 WL 1576092, at *3 (D. Ariz. Apr. 27, 2011) ("This Court cannot order courts of another district to transfer their cases here."). Here, Mr. Martin has improperly filed his motion with the proposed *transferee* court, rather than the transferor court. For this reason, the Court **DENIES** Mr. Martin's motion to transfer.

The Court interprets Mr. Martin's motion to separate his case as a request to opt-out of the class. Dkt. No. 53. This is not the proper mechanism to opt-out of the class and thus Mr. Martin's request is **DENIED**. Mr. Martin is instructed that he will receive notice of settlement from class counsel and that he will, at that point, be instructed by the notice how to pursue his right to opt-out of the class. The Court refers Mr. Martin to the putative class counsel, Tina Wolfson.

IT IS SO ORDERED.

Dated: November 5, 2021


EDWARD J. DAVILA
United States District Judge

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